

**Federal Defenders
OF NEW YORK, INC.**

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March 18, 2021

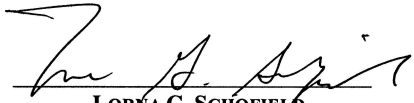
VIA ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The application is **GRANTED**. Defendant's counsel shall promptly coordinate with courthouse IT systems and the U.S. Marshals to facilitate this procedure.

SO ORDERED.

Dated: March 19, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: United States v. Shoendale Jarrett
19 Cr. 670 (LGS) (S.D.N.Y.)

Honorable Judge Schofield:

The Court has scheduled a hearing for March 22, 2021 regarding the admissibility of the purported identifications of Mr. Jarrett made by one police officer and three parole officers. (Docs. 51, 54.) We write to respectfully request that Mr. Jarrett be permitted to view this hearing from a separate room in the courthouse.

As the Court knows, the defense has moved to exclude the Government's proffered witness identifications on the grounds that, *inter alia*, the witnesses lacked a sufficient basis of familiarity with Mr. Jarrett and that their lay opinions about whether Mr. Jarrett was depicted in surveillance footage were improperly bolstered by the unnecessarily suggestive procedures the police used to elicit these opinions. (See Docs. 41, 48.) At the upcoming hearing, the Government intends to call these witnesses to testify about the circumstances surrounding their identifications of Mr. Jarrett and their basis of familiarity with him. (Docs. 47, 53.)

To prevent any possible identifications from being improperly bolstered or reinforced by the witnesses' viewing of Mr. Jarrett during the hearing, we respectfully request that Mr. Jarrett be permitted to view the hearing via a live-audio and video feed. Allowing the witnesses to view Mr. Jarrett during the hearing would only further undermine the reliability of any subsequent identification opinions they might offer at trial.

The procedure proposed herein has been approved in several recent cases in this Circuit in which similar identification issues were presented. *See, e.g., United States v. Woodford*, No. 18 Cr. 654 (KAM) (E.D.N.Y.); *United States v. Watson*, No. 19 Cr. 004 (WFK) (E.D.N.Y.); *United States v. Hill*, No. 12 Cr. 214 (KAM) (E.D.N.Y.). If the Court grants this request, the undersigned will coordinate with the courthouse's IT staff to coordinate this process.

The Honorable Lorna Schofield
March 18, 2021

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Re: *United States v. Shoendale Jarrett*, 19 CR 670 (LGS)

Earlier this week, we asked the government for its position regarding this application but it has yet to tell us.

Respectfully submitted,

/s/ Julia Gatto

Julia Gatto
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cc (via ECF): AUSA Thomas John Wright, Esq.